THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 16422 of 2005

Between:

Boddu Ratnakara Rao … Petitioner

And

The Agent to Government,

West Godavari District, Eluru and another

…Respondents

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 16422 of 2005

ORDER:

This writ petition is filed by the petitioner aggrieved by the action of the 1st respondent in entertaining the appeal filed by the 2nd respondent with a long delay by condoning the same without even issuing a notice to the petitioner.

It is stated that the Special Deputy Collector initiated proceedings at the instance of the 2nd respondent under A.P. Schedule Area Land Transfer Regulations with reference to an extent of Ac.2.18 cents in Survey No.138/1 and an extent of Ac.8.15 cents in Survey No.138/2 of Swarnavarigudem Village, Jeelugumilli Mandal, West Godavari District. The Special Deputy Tahsildar after conducting enquiry disallowed the claim of the 2nd respondent by order dated 07-12-2004, recording that there is no contravention with reference to the possession of the

land in question. Against the said order, the 2nd respondent filed appeal on 17-06-2005. However, the grievance of the petitioner is that as per the regulations, the period of limitation for filing the appeal is 60 days from the date of the order. As the appeal was filed long after the expiry of the time for preferring the appeal, the appellate authority ought not to have registered the appeal without issuing notice to the petitioner. But, however, the appellate authority registered the appeal and fixed a date for hearing. Therefore, the petitioner has come up with the present writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader.

As the dispute is, as to the entertainment of the appeal by the 1st respondent by condoning the delay without any notice to the petitioner, the said action is not in accordance with law. But, however, this Court is not deciding the issue, as the appeal is still pending before the 1st respondent.

Therefore, it is appropriate to direct the 1st respondent to consider the objections of the petitioner as to the limitation and the entertainment of the appeal. Accordingly, the petitioner is also directed to raise those objections before the appellate authority and on raising such objections, the 1st respondent-appellate authority has to consider the same and pass appropriate orders before proceeding with the merits of the matter.

The writ petition is accordingly disposed of. No costs.

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S. ANANDA REDDY, J.

Dated: 04..08..2005.

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